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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte REYNALDO GIL, DIPAYAN GANGOPADHYAY, JAY ZHOU,
SIMEON GORDON, and SANDEEP NAYAK

Appeal 2010-000551
Application 10/027,965
Technology Center 3600

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 7 to 12 and 18 to 22. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

BACKGROUND

Appellants' invention is directed to methods and systems to coordinate a supply chain and, more particularly, to reporting in a supply chain (Specification 1).

Claim 7 is illustrative:

7. An automated method for reporting in a supply chain involving and enterprise and at least one partner, the method comprising:

 sending a request for real-time data from a network system to a partner coordinator component integrated with an existing partner system, the real-time data relating to a transaction in which the partner is involved, the network system maintaining a context for the transaction;

 receiving at the network system real-time data from the existing partner system in response to the request; and

 generating a real-time report using the real-time data for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction.

The Examiner relies on the following prior art reference as evidence of unpatentability:

Mowery	US 5,983,198	Nov. 9, 1999
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Appellants appeal the following rejections:

Claims 7 to 9, 12 and 18 to 22 under 35 U.S.C. § 102(b) as anticipated by Mowery.

Claim 10 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as unpatentable over Mowery.

Claim 11 under 35 U.S.C. § 103(a) as unpatentable over Mowery.

ISSUE

Did the Examiner err in rejecting the claims under 35 U.S.C. § 102(b) because Mowery is not related to the management of complex transactions between an enterprise and its trading partners?

Did the Examiner err in rejecting the claims under 35 U.S.C. § 102(b) because Mowery does not disclose a partner coordinator system and does not disclose third party partner involvement?

Did the Examiner err in rejecting the claims under 35 U.S.C. § 103(a) because there is no reason in Mowery for converting the real time data into a format usable by the central station 114?

FACTUAL FINDINGS

We adopt the Examiner's findings related to the anticipation rejection as our own. Ans. 4 to 5. We add the following factual finding:

Mowery discloses that data is sent from the remote telemetry unit to the central station (col. 3, l. 65 to col. 4, l. 5).

Additional findings of fact may appear in the Analysis that follows.

ANALYSIS

Anticipation

We are not persuaded of error on the part of the Examiner by Appellants' argument that Mowery does not relate to the management of complex transactions between an enterprise and its trading partners. The Appellant argues that the Examiner's interpretation of the term "transaction" is too broad. We agree with the Examiner that the meaning of the word "transaction" is not limited to a financial or commercial transaction between parties but may include the sending of a resource from a holding tank to a plant as is disclosed in Mowery. This is especially so because the Appellants do not direct our attention to a specific definition for the word "transaction" in the Specification and because the claims do not specifically recite a "financial" or "commercial" transaction. We note that this construction of the word "transaction" is in accord with the definition of the word found in Merriam-Webster dictionary which defines "transaction" as "an exchange or transfer of goods, services, or funds."² In any case, even if we were to limit the definition of the word "transaction" to a financial

² Merriam-Webster's Online Dictionary, 11 ed, available at <http://www.merriam-webster.com/dictionary/transaction> (last visited January 30, 2011).

transaction, we agree with the Examiner that the data transferred is about inventory levels and those inventory levels *relate to* the sale of products to the customer. In this regard, we note that claim 7 recites data *relating to* a transaction but does not recite transaction data.

In regard to the argument by the Appellants that Mowery does not disclose the management of complex transactions between an enterprise and its trading partners, we note that the claims do not recite this limitation and as such this argument is not commensurate with the recitations in the claims.

We are not persuaded of error on the part of the Examiner by Appellants argument that Mowery does not disclose a partner coordinator system or third party partner involvement. We agree with the Examiner that as central station 114 coordinates the supply of products to the tanks 104, the central station 114 is a partner coordinator as broadly claimed. We note that the term “partner” is broad enough to include the plant and tanks disclosed in Mowery. In this regard, Merriam-Webster defines a “partner” as “one [who is] associated with another especially in an action.”³ The plant 102 and tanks 104 of Mowery are associated with the trucks 118 that supply the products to the tanks 104. Appellants’ argument that Mowery does not disclose any third party involvement is not persuasive because the claims do not recite third party involvement. As such, this argument is not commensurate with the recitations in claim 7.

In view of the foregoing, we will sustain the Examiner’s rejection of claim 7. We will likewise sustain the rejection of claims 8, 9, 12 and 18 to

³ Merriam-Webster’s Online Dictionary, 11ed, available at <http://www.merriam-webster.com/dictionary/partner> (last visited January 30, 2011).

22 because the Appellants have not argued the separate patentability of these claims.

Claim 10

We agree with the Appellants that Mowery does not disclose that the format of the data transmitted from the RTU is different from the format of the data used by the central station 114. As such, the Examiner has not established that the format of the data has been converted or needs to be converted. Therefore, we agree with the Appellants that Mowery does not anticipate the subject matter of claim 10. In addition, as the Examiner has not established that the format of the data sent from the RTU to the central station 114 needs to be converted, the Examiner has not established that there is a reason to modify the method disclosed in Mowery so as to include a step of converting real time data into a format usable by the network system as required by claim 10, the Examiner has not established the obviousness of claim 10. Therefore, we will not sustain the rejection of claim 10.

Claim 11

Claim 11 is dependent on claim 10. Therefore, we will not sustain the rejection of claim 11 for the same reasons given above for the rejection of claim 10.

DECISION

We affirm the Examiner's rejection of claims 7 to 9, 12 and 18 to 22. We reverse the Examiner's rejections of claims 10 and 11.

TIME PERIOD

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1) (2009).

ORDER

AFFIRMED-IN-PART

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